REMARKS/ARGUMENTS

Claims 10-14 and 17-21 are pending in the application, with claim 10 being the only independent claim. Claims 1-9 and 15-16 have been canceled, without prejudice or disclaimer. Reconsideration of the application in view of the following remarks is respectfully requested.

Allowability of the Claims

Independent Claim 10

Claims 10-14 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *WO 94/27019* (*WO '019*) in view of *DE 34 25 765* (*DE '765*) and U.S. Patent 4,912,898 (*Holmes*).[1] This rejection is respectfully traversed.

Independent claim 10 recites "a permanently elastic mass arranged between the transom panel and the side panels and in the channels" and "the transom panel being connected in frictional engagement with the side panels and with the top structure by the permanently elastic mass." Independent claim 10 is not obvious over the cited art for the following reasons: (i) the combined art does not disclose the above features recited in independent claim 10 because the glass panel assemblies in *Holmes* are not connected by the exterior sealant 58, but rather by an interior frame work member such as a mullion 45; and (ii) there is no motivation for one skilled in the art to modify the connectors of *WO '019* with *Holmes's* teachings of butt joints, as is proposed in the Office Action, as such proposed modification of *WO '019* would change its principle of operation (*see*, MPEP § 2143.01VI).

WO '019 concerns a connector for securing plate-like wall components. In *WO '019*, the connector is formed so that it requires only a centering and/or semicircular hole, instead of complex cutouts, in the glass plates. More specifically, the connectors of *WO '019* are designed

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[1] US Patent 3,685,240 to *Oscari* is believed to have been relied on for this rejection. Applicant requests that clarification be made in the next Office Action.

as connector halves 10, 15, 22, which are adapted to be inserted into the hole in the glass plate from both sides and are then bolted together, *e.g.*, by means of a threaded fitting. *See*, page 3 of the English translation.

The Office Action acknowledges that *WO '019* "lacks the permanently elastic mass between the transom panel and the side panels and the transom panel being connected in frictional engagement with the side panels by the permanently elastic mass" (*see*, page 4 of the Office Action). The Office Action then cites *Holmes* for its alleged teachings of a permanently elastic mass 53/58 and takes the position that it would have been obvious to one skilled in the art to apply such alleged teachings in *Holmes* to *WO '019* to arrive at the invention recited in independent claim 10. Applicant respectfully disagrees.

Holmes teaches forming glass panel assemblies 10a, 10b and securing the same to mullions 45 by sealant. For example, *Holmes* teaches that assembly 10a is gazed to the mullion 45 by glazing compounds or sealant 55 (*see*, col. 8, ll. 24-27). A second assembly 10b can be similarly gazed to the mullion 45 and adjacent to the first assembly 10b. An exterior sealant 58 is used to produce a glazed exterior butt joint of superior appearance and strength (*see*, col. 9, ll. 7-15). Accordingly, adjacent glass panel assemblies 10a, 10b in *Holmes* are connected next to each other by an interior frame work member, or the mullion 45, rather than by the exterior sealant 58 as asserted in the Office Action. Therefore, *Holmes* does not remedy the deficiencies of *WO '019.*

Moreover, applicant submits that one skilled in the art will not be motivated to substitute the alleged permanently elastic mass 53/58 in *Holmes's* for the connectors in *WO '019.* As applicant submitted above, *WO '019* is conceived to for its connectors as connector halves 10, 15, 22, which are adapted to be inserted into the hole in the glass plate from both sides and are then bolted together. If such connectors in *WO '019* are replaced by the permanently elastic

mass 53/58 taught by *Holmes*, as is suggested in the Office Action, then the principle of operation of the connectors as disclosed in *WO '019* will be altered. Such proposed modification of *WO '019* is impermissible under MPEP § 2143.01VI. Accordingly, it is not obvious apply the teachings of permanently elastic mass 53/58 in *Holmes* to *WO '019* in order to arrive at the invention recited in independent claim 10.

DE '765 and *Oscari* are cited in the Office Action concerning other features recited in independent claim 10 and thus do not remedy the above deficiencies of *WO '019*.

In view of the foregoing, the cited art does not teach "a permanently elastic mass arranged between the transom panel and the side panels and in the channels" and "the transom panel being connected in frictional engagement with the side panels and with the top structure by the permanently elastic mass" as recited in independent claim 10. Accordingly, independent claim 10 patentably distinguishes over the cited art. Withdrawal of the 35 U.S.C. § 103(a) rejection of independent claim 10 is respectfully requested.

Dependent Claims 11-14 and 17-21

Dependent claims 11-14 and 17-21 are patentable for at least the same reasons that independent claim 10 is patentable, as well as for the additional limitations recited therein.

For example, claim 21 recites that "the transom panel is fastened to the side panels and the top structure solely by the permanently elastic mass." The Office Action takes the position that "JP 907 discloses glazing panels 10 secured to each other 100 and the other structure 12 only by elastic mass 30. Applicant respectfully disagrees.

In the English abstract, JP 907 teaches that the "panels are supported by the metal support (12) arranged at four sides of the panel, at preset interval." Accordingly, the glass panels 10 in JP 907 are not only connected by the sealing joint 30 but also supported by the metal support 12. Therefore, JP 907 does not teach that "the transom panel is fastened to the side panels and the

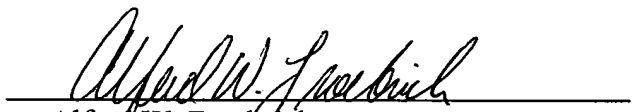
top structure solely by the permanently elastic mass," as is recited in claim 21. Claim 21 thus is allowable for the above additional reasons.

Conclusion

In view of the above, applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested. Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By 

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